



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

March 28, 2023

Re: FOIA Request NLRB-2023-001129

Dear Dave Jamieson (HuffPost):

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received on March 24, 2023, in which you seek: “copies of any emails since June 1, 2022 between Region 15 Assistant to the Regional Director Rebecca A. Dormon and the following parties: employees of the Starbucks Corporation; the staff of Rep. Virginia Foxx (N.C.) or the U.S. House Committee on Education and the Workforce; and the staff of Sen. Bill Cassidy (La.) or the U.S. Senate Committee on Health, Education, Labor and Pensions.”

We acknowledged your request on March 24, 2023. Your request for expedited processing was also granted. On March 28, 2023, you modified your request to seek a search of the above-named official's personal email account.

Pursuant to the FOIA, a reasonable search of the named official's Agency email account was conducted using the Agency's search tool, Microsoft Purview, searching for emails between that official and the entities you specified for the time period of June 1, 2022 through March 27, 2023 (date of the search). This search yielded 161 pages of responsive, releasable records, which are attached. No responsive records between the named NLRB official and congressional staff or congressional committees were located.

Your request for a search of the official's personal email account is denied, as you have not established that such a search is warranted. A government employee is presumed to have complied with the duty to forward official business communications from a personal email account to an official email account, absent evidence to the contrary. *Judicial Watch, Inc. v. U.S. Dep't of Justice*, 319 F. Supp. 3d 431 (D.D.C. 2018); *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 241 F. Supp. 3d 14, 21 (D.D.C. 2017), citing *Bracy v. Gramley*, 520 U.S. 899, 909 (1997). This presumption “cannot be rebutted by purely speculative claims about the existence and discoverability of other documents.” *Wadelton v. Dep't of State*, 201 F. Supp. 3d 20, 26 (D.D.C. 2016) quoting *SafeCard Servs. v. SEC*, 926 F.2d 196, 1200 (D.C. Cir. 1991).

After a review, I have determined that portions of the attached records are exempt from disclosure under Exemptions 6 and 7(C) of the FOIA (5 U.S.C. § 552(b)(6) and (b)(7)(C)). Specifically, redactions were made pursuant to FOIA Exemption 6, which pertains to information the release of which would constitute a clearly unwarranted invasion of personal privacy, and/or FOIA Exemption 7(C), which pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy. 5 U.S.C. § 552(b)(6) and (b)(7)(C).

For the purpose of assessing fees, we have placed you in Category C, as a representative of the news media, in that you qualify as a person “actively gathering news for an entity that is organized and operated to publish or broadcast news to the public.” NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(vii). Accordingly, there is no charge assessed for this request.

You may contact Kristine Minami, the Agency’s FOIA Public Liaison, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the FOIA Public Liaison is:

Kristine M. Minami, FOIA Public Liaison
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: FOIAPublicLiaison@nrlrb.gov
Telephone: (202) 273-0902
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
Email: ogis@nara.gov
Telephone: (202) 741-5770
Toll free: (877) 684-6448
Fax: (202) 741-5769

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You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at: <https://foiaonline.gov/foiaonline/action/public/home> or by mail or email at:

Nancy E. Kessler Platt
Chief FOIA Officer
National Labor Relations Board
1015 Half Street, S.E., 4th
Floor Washington, D.C. 20570
Email: DLCFOIAAppeal@nrlb.gov

Any appeal must be postmarked or electronically submitted within 90 calendar days of the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including FOIA Officer or the FOIA Public Liaison) and/or OGIS does not stop the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely,

/s/ *Synta E. Keeling*

Synta E. Keeling
FOIA Officer

Attachment: (161 pages)